

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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The Estate of Joseph P. King, by and through its  
Administratrix, Amy King, and Amy King in her own right,  
*Plaintiff,*

-against-

Anthony J. Annucci, Acting Commissioner, State of New  
York Department of Corrections, in his individual capacity;  
and Marie T. Sullivan, Commissioner, State of New York  
Department of Mental Health, in her individual capacity;  
Jami Palladino, Mid-State Social Worker, in her individual  
capacity; Hal Meyers, Mid-State Chief Mental Health Counselor,  
in his individual capacity;

*Defendants.*

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**ATTORNEY**  
**DECLARATION**

9:20-CV-1413  
(TJM/ML)

Aimee Cowan, pursuant to § 1746 of Title 28 of the United States Code, declares the following to be true and correct under penalty of perjury under the laws of the United States of America:

1. I am an Assistant Attorney General for the State of New York and appear in this action on behalf of Letitia James, Attorney General for the State of New York, attorney for Anthony J. Annucci, Acting Commissioner, State of New York Department of Corrections, in his individual capacity; Ann Marie T. Sullivan, Commissioner, State of New York Department of Mental Health, in her individual capacity; Jami Palladino, Mid-State Social Worker, in her individual capacity; and Hal Meyers, Mid-State Chief Mental Health Counselor<sup>1</sup>, in his individual capacity (“Defendants”) in this action.

2. I make this Declaration in support of Defendants’ motion pursuant to Federal Rule

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<sup>1</sup> Defendant Meyers was actually the Unit Chief at Mid-State Correctional Facility on the dates in question.

of Civil Procedure 56(a) for an order granting summary judgment and dismissing Plaintiff's Amended Complaint in its entirety and with prejudice.

3. The alleged facts and legal arguments are set forth in detail in the accompanying Declarations, Statement of Material Facts Not in Dispute and Memorandum of Law.

4. In her Amended Complaint, Plaintiff claims Defendants failed to provide her deceased husband, Joseph King ("decedent"), with adequate medical and mental health care and attention in violation of the Eighth Amendment to the United States Constitution, which led to his suicide while he was incarcerated at Mid-State Correctional Facility. (ECF No. 50). Plaintiff alleges Defendants Anthony Annucci and Ann Marie Sullivan failed to properly train and supervise their employees and violated the New York State Constitution and New York State Civil Rights law. Additionally, Plaintiff alleges state law negligence and wrongful death claims against all Defendants. (*Id.*).

5. Defendants answered Plaintiff's Amended Complaint on July 9, 2021. (ECF No. 54).

6. The parties exchanged extensive paper discovery. The following documents relevant to this motion are as follows:

- a. Attached as **Exhibit "A"** is a copy of the New York State Police Incident Report, dated November 16, 2018.
- b. Attached as **Exhibit "B"** is a redacted copy of a portion of decedent Joseph King's New York State Office of Mental Health records.
- c. Attached as **Exhibit "C"** is a disk containing audio recordings of telephone calls

placed by Joseph King while incarcerated at Mid-State Correctional Facility. A hard copy of the disk is forwarded to the Court via first class mail under separate cover. In order to access the telephone recordings, open the file labeled “Index.”

d. Attached as **Exhibit “D”** are Plaintiff’s Responses to Defendants’ First Set of Interrogatories, dated August 20, 2021.

e. Attached as **Exhibit “E”** are Plaintiff’s Responses to Defendants’ First Request for Production, dated August 20, 2021.

f. Attached as **Exhibit “F”** are Defendant Sullivan’s Responses to Plaintiff’s First Set of Interrogatories, with Exhibits, dated November 22, 2021.

g. Attached as **Exhibit “G”** are Defendant Annucci’s Responses to Plaintiff’s First Set of Interrogatories, dated November 29, 2021, without exhibits.

h. Attached as **Exhibit “H”** are Plaintiff’s Responses to Defendants’ First Request for Admissions, dated August 9, 2022.

i. Attached as **Exhibit “I”** are Plaintiff’s Responses to Defendants’ Second Request for Production, dated August 18, 2022.

7. Plaintiff Amy King was deposed on March 18, 2022. A copy of her deposition transcript is attached as **Exhibit “J”**.

8. Defendant Harold Meyers was deposed on May 23, 2022. A copy of his deposition transcript, with signed errata form, is attached as **Exhibit “K”**.

9. Defendant Jami Palladino was deposed on May 23, 2022. A copy of her deposition transcript is attached as **Exhibit “L”**.

10. Non-party Li-Wen Lee, M.D., the New York State Office of Mental Health

Associate Commissioner, was deposed on June 17, 2022. A copy of her deposition transcript is attached as **Exhibit “M”**.

11. Non-party Joseph King, decedent’s son, was deposed on June 24, 2022. A copy of his deposition transcript is attached as **Exhibit “N”**.

12. Non-party Meghan King, decedent’s daughter, was deposed on June 24, 2022. A copy of her deposition transcript is attached as **Exhibit “O”**.

13. Attached as **Exhibit “P”** is a copy of the New York State Department of Corrections and Community Supervision’s Unusual Incident packet, dated November 16, 2018.

15. Attached as **Exhibit “Q”** is a copy of a letter the decedent wrote to Plaintiff dated November 15, 2016.

Based upon Defendants’ Statement of Material Facts Not in Dispute; Attorney Aimee Cowan’s Declaration, along with attached Exhibits “A”-“Q”, the Declarations of Defendants Annucci, Sullivan, Meyers and Palladino, and Defendants’ Memorandum of Law; Defendants respectfully request that this Court grant their motion for summary judgment and dismiss Plaintiff’s Amended Complaint in its entirety, with prejudice.

Pursuant to Section 1746 of Title 28 of the United States Code, I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 12, 2023

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